

# Weekly Digest

• April 2, 2024 •

Human Resources

## Accenture Report Finds Organizations with Disability-Inclusive Policies More Financially Successful

"Organizations implementing disability-inclusive policies and practices often have better financial performance than similar organizations. Examples of disability-inclusive practices include using videos with captions and seeking regular input on improvements from employees with disabilities." [Full Article](#)

*Hall Benefits Law, LLP*



## A Four-Day Workweek? What Employers Can Expect from Congress' Newest Fight for a 32-Hour Workweek

"A new piece of legislation introduced in Congress, if enacted, would amend the Fair Labor Standards Act to establish 32-hour workweek for non-exempt employees, with no loss in pay. While the bill is unlikely to gain steam, it might trigger movement throughout the country to revisit what a "standard" workweek means for American employees." [Full Article](#)

*Seyfarth Shaw, LLP*

## In This Digest

### PAGE 1

#### Accenture Report Finds Organizations with Disability-Inclusive Policies More Financially Successful

*By, Hall Benefits Law, LLC*

#### A Four-Day Workweek? What Employers Can Expect from Congress' Newest Fight for a 32-Hour Workweek

*By, Seyfarth Shaw LLP*

### PAGE 2

#### Employers Offering DEI Training Need To Monitor Both Pro- and Anti-DEI Court Challenges and Legislative Proposals

*By, Skadden, Arps, Slate, Meagher & Flom LLP*

#### Department of Labor, Including OFCCP, Continues Work on Guidance and "Promising Practices" Regarding Artificial Intelligence

*By, Seyfarth Shaw, LLP*

#### New Lie-detecting AI in the Hiring Process: How Will This Case Unfold?

*By, Michael Best & Friedrich, LLP*

#### You Know That Destroying Evidence Can Get You in Trouble, Right?

*By, Shawe Rosenthal, LLP*

### PAGE 3

#### State Compliance Updates

## Employers Offering DEI Training Need To Monitor Both Pro- and Anti-DEI Court Challenges and Legislative Proposals

"In the wake of the U.S. Supreme Court's 2023 decision on consideration of race in university admissions, litigants have begun to challenge some DEI training programs, alleging that they constitute racial discrimination and compelled speech, and/or cultivate a hostile work environment." [Full Article](#)

*Skadden, Arps, Slate, Meagher & Flom LLP*



## Department of Labor, Including OFCCP, Continues Work on Guidance and "Promising Practices" Regarding Artificial Intelligence

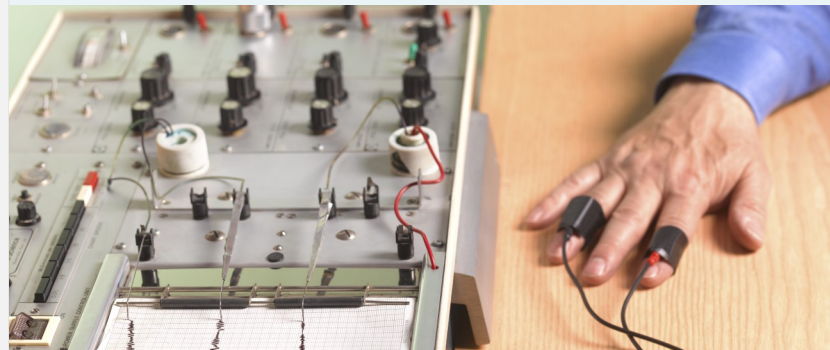
"The Acting Director of OFCCP and the Solicitor of Labor indicated that they are moving full speed ahead on developing guidance regarding employers' use of artificial intelligence, and that the Department of Labor is working on a 'broader value-based document' that contains "principles and best practices" for both employers using AI and developers of the AI tools. OFCCP is working on 'promising practices' regarding AI selection tools." [Full Article](#)

*Seyfarth Shaw, LLP*

## New Lie-detecting AI in the Hiring Process: How Will This Case Unfold?

"A leading health solutions company in the U.S. is facing claims that they are violating prohibitions against the use of lie detectors through use of an AI screening tool in its interview process. This case raises concerns over whether AI Screening Tools to evaluate job applicants' integrity and honesty violates laws prohibiting lie detector tests in employment." [Full Article](#)

*Michael Best & Friedrich, LLP*



## You Know That Destroying Evidence Can Get You in Trouble, Right?

"In our October 2023 E-Update, we wrote about an employer who destroyed evidence that could have proved his new employee stole source code from his former employer that was used to create a "functionally equivalent" product by the new employer. Because of this bad behavior, a federal trial court entered a default judgment against the new employer (meaning that the employer lost the case without any consideration of the merits). But our admonition against destroying (bad) evidence goes both ways – as shown in a recent case before the U.S. Court of Appeals for the Ninth Circuit." [Full Article](#)

*Shawe Rosenthal, LLP*

# STATE COMPLIANCE UPDATES

## CALIFORNIA

### California Pay Data Reporting Is Due May 8, 2024 (Now With New Requirements!)



"As readers may know, California requires private employers of 100 or more employees and/or 100 or more workers hired through labor contractors to annually report pay, demographic, and other workforce data to the Civil Rights Department ("CRD")." [Full Article](#)

*Proskauer Rose, LLP*

## MASSACHUSETTS

### Massachusetts Latest State Expected to Restrict Access to Credit Reports for Employment Purposes



"The Massachusetts House of Representatives passed legislation that would add a new provision to the Massachusetts Consumer Protection law and would bar the use of true credit reports for employment purposes, i.e., for the purpose of evaluating an individual for employment, promotion, reassignment, or retention as an employee." [Full Article](#)

*Little Mendelson, P.C.*

## CONNECTICUT

### Connecticut Employee's Claims That She Was Terminated Based on Medical Marijuana Use Goes up in Smoke



"Many Connecticut employers have grappled with the interplay between the state's Palliative Use of Marijuana Act (PUMA) and laws prohibiting discrimination based on disabilities and requiring accommodation of disabilities. The Connecticut Appellate Court recently issued a decision bearing on these issues, affirming the dismissal of claims brought by an employee who had been prescribed medical marijuana and was fired for being under its influence at work." [Full Article](#)

*Day Pitney, LLP*

## NEW YORK

### New York State and City Anti-Discrimination Laws Apply to Non- Residents Seeking Employment in New York (US)



"In 2010, the New York Court of Appeals (which is the highest state court in New York) established a test to determine the territorial scope of the New York State Human Rights Law ("NYSHRL") and the New York City Human Rights Law ("NYCHRL") – each of which protect employees and applicants for employment from employment-based discrimination." [Full Article](#)

*Jackson Lewis P.C.*

## WASHINGTON

### Washington State Legislative Updates



"The Washington state legislature and certain localities recently passed several bills affecting employers, some of which have already been signed into law. These measures address non-compete agreements, mandatory employer-sponsored meetings, immigration reporting, paid leave, and the minimum wage. Each new bill or ordinance is discussed below." [Full Article](#)

*Little Mendelson P.C.*